IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO. 10682 OF 2004

Sou. Sudarshana Suhas Pathak. ...Petitioner.
Vs.
Gokhale Education Society & Ors. ...Respondents.
....
Mr. P. S. Dani for the Petitioner.
Mr. M. B. Mehere for Respondent Nos.1 to 3.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

October 21, 2005.

P.C.:

The services of the Petitioner came to be terminated on 12th March 1998. The order of termination was sought to be challenged over 5.1/2 years thereafter, in November 2003. The application for condonation of this delay of over 5.1/2 years has been dismissed by the impugned order dated 9th August 2004 of the University Tribunal. It would appear that after the earlier order of termination, the Petitioner sought and was granted fresh appointment inter alia against a post reserved for the Scheduled Caste. The fresh appointment was terminated and the order of termination was challenged before the University Tribunal which dismissed the appeal on 23rd April 2003. A petition is pending

before this Court against the aforesaid order of the University Tribunal.

In so far as the present petition is concerned, there is no infirmity in the order passed by the University Tribunal. The services of the Petitioner were terminated on 12th March 1998. There is a delay in excess of 5.1/2 years in moving the Tribunal. In the meantime, the Petitioner accepted fresh appointment which was also brought to an end. No opinion need be expressed here on the merits of the termination of the fresh appointment which is pending decision before this Court. In so far as the present case is concerned, the view of the Tribunal that the delay is unexplained is not shown to be perverse or erroneous. In that view of the matter, no case is made out. The petition is dismissed.

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